

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
~~ESTERN DIVISION~~

George D. McCarley  
Plaintiff

v.

Household Finance Corporation III  
Defendant

2007 NOV 14 A. 9:30 Civil Action No. 3:06-CV-0091-MEF  
JESSICA P. HACKETT, C. Lead Case<sup>1</sup>  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

MOTION TO COMPEL DEFINITIONS CONTAINED ON BILLING TERMS AND SYSTEM

Plaintiff respectfully requests the court to grant this MOTION TO COMPEL so that defendant will divulge DEFINITIONS CONTAINED ON BILLING TERMS AND SYSTEM. Plaintiff attempted discovery to gain this information. Defendant has steadfastly refused.

Plaintiff hereby informs the court that these basic definitions and application of same will surely be a point of review and cross examination before the jury in this case. Therefore, it is essential that the definitions should be provided so as to insure the most expeditious trial process.

Plaintiff is an expert on corporate organization, and thus informs the court that any major corporation will have such basic information in a preprinted format for many purposes, not the least of which is internal training and control. Therefore, we can be sure the information is readily available. We can also be sure that such information is not considered confidential.

Plaintiff provided an overview of this problem in MOTION TO COMPEL DISCOVERY dated September 28, 2007. (See page 1, Ex 4, and subp. 8.c.1) Defendant has actually provided four (4) different formats of billing summary statement. The various formats are not identical. The many differences are a concern, as are the basic definition of the terms contained. Obviously both plaintiff and court deserve an explanation of the terms so that this "question and answer" elements planned

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<sup>1</sup> 3:06 cv 00091 (lead case) includes Household Finance Corporation, III (00093), HSBC-Gr. Corp. (00102), HSBC Mortgage Services, Inc. (00104), HSBC Finance Corporation (00101), and, Household International, Inc. (00103).

for jury trial may be proper and expeditious. Unless we receive these definitions prior to trial, then plaintiff fully expects to require up to one day during trial to establish these most basic definitions.

Defendant will find the multi-format billing summary statements in his document numbers 00145, 00146, 00148, and the plaintiff document attached and marked Appendix B. It is clearly and absolutely essential the defendant be compelled to provide the explanation of terms contained. A jury will likely find it odd that a creditor would refuse to provide a definition of billing terms, thus providing excellent added evidence. However, plaintiff and the court require the definitions to insure an expeditious trial process.

This is one of several motions necessitated by: (i) Defense failure to provide key information demanded on Discovery, or, (ii) follow-up information due to new questions raised by discovery provided, or, (iii) critical information required to properly define information or terms used on official defendant forms, and thus required to facilitate a smooth trial process.

Respectfully submitted

*G. McCarley*  
George D. McCarley, Pro Se  
216B Chestnut Street  
Roanoke, AL 36274  
334-863-6489

#### PROOF OF SERVICE

I, George D. McCarley, do swear or affirm that on November 12, 2007, I have served the enclosed ACTION on each party to the above or that party's counsel, and on every other person required to be served, by depositing envelope containing the above documents in the United States Mail properly addressed, and with first class postage prepaid, for delivery within 3 calendar days.

The Clerk

Middle District of Alabama, Eastern Division  
One Church Street, PO Box 711  
Montgomery, AL 36101-0711  
334-954-3600

Defendant Attorney

Mr. George Parker  
Bradley Arant Rose and White  
Alabama Center for Commerce  
401 Adams Avenue, Suite 780  
Montgomery, AL 36104  
334-956-7671, 956-7700

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2007

*G. McCarley*  
George D. McCarley

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## HOUSEHOLD

DATE 8/11/2004  
 PAGE 1  
 LOAN NUMBER 2935534

MORTGAGOR MAILING ADDRESS  
 GEORGE MCCARLEY

211 CHESTNUT ST

ROANOKE AL 36274  
 PROPERTY ADDRESS  
 211 CHESTNUT ST

ROANOKE AL 36274

PAYMENT INFORMATION		ORIGINAL INFORMATION		YEAR-TO-DATE	
P&I PAYMENT	290.51	ORIG BAL	26,400.00	INT PAID	0.00
ESCROW	0.00	ORIGINAL RATE	11.990	NEG AMORT	0.00
OPTIONAL INS	0.00	LOAN TERM	240	TAX PAID	0.00
BUYDOWN	0.00	FIRST DUE DATE	06/05/00	INT ON ESCROW	0.00
ASSISTANCE AMT	0.00	LOAN TYPE	CONV		
ANCILLARY	25.13	CURRENT RATE	11.990		
TOTAL PAYMENT	315.64			UNCOLLECTED BALANCES	
UNAPL FUNDS	0.00	NEXT DUE DATE	11/05/02	LATE CHARGES	14.53
		PAID TO DATE	10/05/02	FEES	4,262.30
				INTEREST	0.00

DETAIL BY TRANSACTION					
EFF DATE	TOTAL AMT	PRIN AMT	ESCROW AMT	FEE AMT	DESCRIPTION
PD TO DT	UNAPPLIED AMT	INT AMT	OPT AMT	LT CHG	PRIN BAL AFT
09/04/01	290.51	29.82	0.00	0.00	REG PAYMENT
08/01	0.00	260.69	0.00	0.00	26061.02
10/01/01	290.51	30.12	0.00	0.00	REG PAYMENT
09/01	0.00	260.39	0.00	0.00	26030.90
10/15/01	290.51	30.42	0.00	0.00	REG PAYMENT
10/01	0.00	260.09	0.00	0.00	26000.48
11/08/01	-536.00	0.00	-536.00	0.00	
08/01	0.00	0.00	0.00	0.00	26000.48
11/29/01	290.51	30.72	0.00	0.00	REG PAYMENT
11/01	0.00	259.79	0.00	0.00	25969.76
12/28/01	290.51	0.00	0.00	0.00	
12/01	290.51	0.00	0.00	0.00	25969.76
12/28/01	290.51	0.00	0.00	0.00	LC PYMT WAVD
12/01	290.51	0.00	0.00	0.00	25969.76